

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BILLY BRANTLEY, et al.)	
)	
Plaintiffs,)	
)	
v.)	Case No. C-1-02-378
)	Judge Susan J. Dlott
CINERGY CORP.,)	
)	
Defendant.)	

UNOPPOSED MOTION TO CONTINUE TRIAL DATE

Come now the Plaintiffs and move this Honorable Court to reschedule the trial of this matter which is presently set for February 21, 2006. In support of this Motion, the Plaintiffs state as follows:

1. This case is currently set for trial on February 21, 2006.
2. Plaintiffs' counsel in this matter is also scheduled for a trial of another matter, Morgan, et al. v. Family Dollar, CV: 01-C-0303-W, in Federal District Court in Tuscaloosa, Alabama beginning on February 21, 2005. Morgan is a collective action for over 1400 opt-in plaintiffs throughout the United States that was tried for two to three weeks in June of 2005 and resulted in a hung jury. The re-trial of Morgan cannot be rescheduled and will last two to three weeks.
3. This is the first setting of this case for trial since the lifting of the Order Staying Case (Doc. 50). Moreover, the Defendant's Motions for Summary Judgment, which have already

been briefed by the parties, have not yet been ruled on by the Court. Thus, there will be no prejudice by the granting of this Motion.

4. The denial of this Motion will prejudice the Plaintiffs as it is not possible for their counsel to try both the case at bar and the Morgan case at the same time.

5. The Defendant does not oppose this Motion.

WHEREFORE, the Plaintiffs respectfully request that this Honorable Court reschedule the trial of the case at bar for at least 90 days after February 21, 2006.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that on the 1st day of December, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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